Decision Notice

MC/25/0038

Serving You

Mr Keith Rogers
KCR Design
6 Chada Avenue
Gillingham
ME7 4BN

Applicant Name:
Mrs Wendy Purdy

Planning Service
Culture And Community
Regeneration, Culture & Environment
Transformation
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
01634 331700
01634 331195
Planning.representations@medway.gov.uk

Town and Country Planning Act 1990

Location: 226 - 232 Chatham Hill, Luton, Chatham, Medway, ME5 7BA

Proposal: Outline application with all matters reserved for residential development - demolition of existing buildings

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Notification of Refusal of Outline Planning Permission to Develop Land

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS REFUSED OUTLINE PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 13 January 2025.

for the following reason(s):-

1 The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Medway Local

Plan 2003 and paragraphs 193 and 194 of the National Planning Policy Framework 2024.

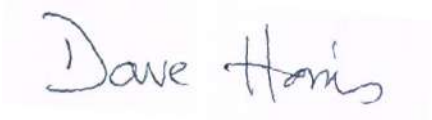
Your attention is drawn to the following informative(s) :-

1 Southern Water advise that there is an existing sewer crossing the vicinity of the site and that its exact position must be determined on site before the layout of any future development is finalised. The development over an existing sewer/water main will not be acceptable to them but it might be possible to divert it at the developers expense as long as there would be no unacceptable loss of hydraulic capacity. You can contact Southern Water at Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119), website southernwater.co.uk or email SouthernWaterPlanning@southernwater.co.uk.

2 The application site lies alongside the route of Roman Watling Street, a major strategic road that linked London with the Channel ports. Numerous archaeological discoveries have been found alongside this ancient route which has acted as a focus for Romano-British and later activity. The site may also contain archaeological evidence for the development of this area of Luton in the post-medieval period. Any future application for redevelopment should therefore include a description of the heritage asset affected with an appropriate desk-based assessment (as a minimum) with regard to paragraph 207 of the NPPF.

3 In accordance with paragraph 39 of the NPPF Medway Council takes a positive, proactive and creative approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive, proactive and creative and manner by:
Offering a pre-application advice service;
Updating applicants/agents of any issues that may arise in the processing of their application;
Where possible suggesting solutions; and
Informing applicants/agents of any likely recommendation of refusal prior to a decision.
In this instance the applicant/agent was updated of issues arising and asked how they wished to proceed.

4 This decision relates to the application form and Planning Statement received 7 February 2025 and the Contaminated Land Risk Assessment (STM Environmental), Location Plan & Drawing 01 Revision A (existing plans) received 11 January 2025.



David Harris
Head of Planning
Date of Notice 5 March 2025

TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications.**

  - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
  - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
  - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
  - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

  https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.